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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 CODY MORRIS, an individual; and KAYLIE
14 SUE MORRIS, an individual,

CASE NO.

15 Plaintiffs,

16 vs.

COMPLAINT AND DEMAND FOR
JURY TRIAL

17 3M COMPANY; 3M CHEMICAL
18 OPERATIONS LLC; AGC CHEMICALS
AMERICAS, INC.; AMEREX
19 CORPORATION; THE ANSUL COMPANY;
20 ARCHROMA U.S., INC.; ARKEMA, INC.;
ASAHIKASEI PLASTICS AMERICA, INC.;
21 BASF CORPORATION; BUCKEYE FIRE
EQUIPMENT COMPANY; CARRIER FIRE
22 & SECURITY AMERICAS, LLC F/K/A UTC
FIRE & SECURITY AMERICAS
23 CORPORATION, INC.; CARRIER FIRE &
24 SECURITY CORPORATION; CARRIER
GLOBAL CORPORATION; CHEMDESIGN
25 PRODUCTS, INC.; CHEMGUARD, INC.;
26 CHEMICALS INCORPORATED; THE
CHEMOURS COMPANY; CLARIANT
27 CORPORATION; CORTEVA, INC.;
DEEPWATER CHEMICALS, INC.;
28 DUPONT DE NEMOURS INC.; DYNAX
CORPORATION; EIDP, INC. F/K/A E.I. DU



PONT DE NEMOURS AND COMPANY;
 FIRE-DEX, INC.; FIRE-DEX LLC; GLOBE
 MANUFACTURING COMPANY LLC;
 HONEYWELL SAFETY PRODUCTS USA,
 INC.; JOHNSON CONTROLS, INC.;
 JOHNSON CONTROLS FIRE
 PROTECTION LIMITED PARTNERSHIP;
 JOHNSON CONTROLS FIRE
 PROTECTION LP; KIDDE-FENWAL, INC.;
 KIDDE PLC INC.; LION GROUP, INC.;
 MINE SAFETY APPLIANCES COMPANY
 LLC; MSA SAFETY INCORPORATED;
 NARCOTE LLC D/B/A STEDFAST USA;
 NATIONAL FOAM, INC.; NATION FORD
 CHEMICAL COMPANY; PBI
 PERFORMANCE PRODUCTS, INC.;
 SOUTHERN MILLS INC. D/B/A TEN CATE
 PROTECTIVE FABRICS USA; TYCO FIRE
 PRODUCTS LIMITED PARTNERSHIP;
 RTX CORPORATION F/K/A UNITED
 TECHNOLOGIES CORPORATION; W.L.
 GORE & ASSOCIATES, INC.; DOES 1
 through 20 and ROE CORPORATIONS 1
 through 20, inclusive,

Defendants.

Plaintiffs, CODY MORRIS and KAYLIE SUE MORRIS, by and through their
 undersigned attorneys, allege, upon information and belief, as follows:

I. INTRODUCTION

1. Plaintiffs bring this action for monetary damages and appropriate equitable and
 injunctive relief for harm resulting from exposure to toxic PFAS chemicals that were designed,
 produced, promoted, supplied, sold and/or distributed by each of the Defendants and/or their
 predecessors and subsidiaries.

2. PFAS (per- and poly-fluoroalkyl substances) are man-made chemicals
 characterized by a strong bond between fluorine and carbon. These toxic and carcinogenic
 chemicals are used in a variety of manufactured products to repel heat, water, grease, and stains.

1 3. PFAS are also known as “forever chemicals” because they do not break down
2 easily. They can persist in the environment, and in the human body, for decades.

3 4. Human exposure to PFAS can occur by ingesting, breathing, or touching the
4 chemicals.

5 5. Human exposure to PFAS has been linked to multiple adverse health outcomes
6 including: altered metabolism and thyroid function; weakened immune system; kidney disease;
7 thyroid disease; and increased risk of certain types of cancer.

8 6. Defendants knew, or should have known, of the toxic nature of PFAS and the
9 adverse health effects these substances have on human health.

10 7. Defendants knew, or should have known, that PFAS chemicals remain in the body
11 for decades, and present a significant ongoing risk to human health after exposure.

12 8. Certain firefighting foams, known as “Class B foam,” are manufactured with
13 PFAS.

14 9. Aqueous film-forming foam (“AFFF”) is a Class B foam used by military and
15 civilian firefighters to train for and fight liquid-based fires.

16 10. Defendants collectively designed, produced, promoted, supplied, sold, distributed,
17 or otherwise released into the stream of commerce, Class B foam for use within the State of
18 Nevada, with the knowledge that it contained highly toxic PFAS which would expose end users
19 to risk of severe adverse health effects.

20 11. Further, Defendants collectively designed, produced, promoted, supplied, sold,
21 distributed, or otherwise released into the stream of commerce, PFAS or PFAS-containing
22 materials in protective clothing specifically designed for firefighters (“turnouts” or “turnout gear”)
23 for use within the State of Nevada, with the knowledge that they contained highly toxic PFAS
24 which would expose end users to risk of severe adverse health effects.

25 12. Turnout gear includes pants, jackets, hoods, helmets, boots, and gloves. PFAS
26 chemicals are used in turnouts to make the materials heat, water, and stain resistant.

27 13. High levels of PFAS have been found in firefighting turnouts, including in turnouts
28 manufactured by Defendants MSA/Globe, Lion, and Honeywell.

1 14. PFAS contained in the fabric of turnouts are broken down and released into the
2 environment when exposed to heat. Firefighters are then exposed to PFAS through inhalation,
3 ingestion, or skin contact.

4 15. Despite knowing the toxic nature of PFAS, and the significant ongoing risk to
5 human health caused by exposure to these substances, Defendants designed, produced, promoted,
6 supplied, sold, distributed, or otherwise released into the stream of commerce, PFAS products,
7 including Class B foam and turnouts, for use in firefighting training facilities and fire departments
8 in Nevada and throughout the nation.

9 16. Despite knowing the toxic nature of PFAS, and the significant ongoing risk to
10 human health caused by exposure to these substances, Defendants did not notify or warn
11 firefighters or the public that their turnouts and Class B foam contained PFAS, or that exposure to
12 PFAS could result in serious health risks.

13 17. At all times relevant to this Complaint, Defendants represented that their Class B
14 foams and/or turnouts were safe.

15 18. Plaintiff Cody Morris (“Cody”) has served the City of Henderson as a
16 firefighter/paramedic since 2018.

17 19. Both during training, and when responding to fires, Cody wore turnouts designed
18 to provide protection from heat and other elements associated with fires.

19 20. Cody wore and used his turnout gear in the ordinary course of his job duties, as the
20 turnouts were intended to be used, and in a foreseeable manner, exposing him to significant levels
21 of PFAS.

22 21. Cody did not know, and could not have known with the exercise of reasonable
23 diligence, that the turnouts he wore in the course of his duties contained PFAS or PFAS containing
24 materials.

25 22. Cody did not know, and could not have known with the exercise of reasonable
26 diligence, that he was routinely exposed to PFAS from the turnouts he wore in the course of his
27 duties.
28

1 23. Cody was also exposed to significant levels of PFAS through the use of Class B
2 foams in the course of his duties.

3 24. Cody was exposed to PFAS through inhalation, ingestion, and skin contact during
4 the preparation and use of Class B foams.

5 25. Cody used Class B foams in the ordinary course of his job duties, as the foams were
6 intended to be used, and in a foreseeable manner.

7 26. Cody did not know, and could not have known with the exercise of reasonable
8 diligence, that the Class B foams he used and were exposed to in the course of his duties contained
9 PFAS.

10 27. Cody did not know, and could not have known with the exercise of reasonable
11 diligence, that he was routinely exposed to PFAS from the Class B foams he used and was exposed
12 to in the course of his duties.

13 28. Defendants' PFAS containing products were used by Cody in their intended
14 manner, without significant change in the products' conditions.

15 29. Cody was unaware of the dangerous properties of Defendants' Class B foams and
16 turnouts. Cody relied on the Defendants' representations and instructions as to the handling and
17 use of their Class B foams and turnouts.

18 30. At all times relevant to this Complaint, Defendants represented that their Class B
19 foams and turnout gear were safe.

20 31. Cody's exposure to PFAS from Defendants' Class B foams and turnout products
21 caused him to develop serious, life-threatening medical conditions, as alleged herein.

22 32. Cody's exposure to PFAS or PFAS-containing materials will continue to pose a
23 significant health threat into the foreseeable future due to the ongoing presence of the PFAS
24 forever chemicals within his body.

25 33. Due to Cody's injuries, caused by Defendants, Cody's wife Kaylie Morris has
26 suffered a permanent loss of consortium, disruption, and harm in her marriage, as alleged further
27 herein.

28

1 34. Plaintiffs seek to recover compensatory and punitive damages to recover for the
2 injuries they sustained as a direct result of Cody's exposure to Defendants' Class B foam and
3 turnout products during the course of his firefighting training and career.

4 35. Cody further seeks injunctive, equitable, and declaratory relief.

5 **II. JURISDICTION AND VENUE**

6 36. This Court has diversity jurisdiction over this action under 28 U.S.C. §1332(a)(1)
7 because Plaintiffs and Defendants are citizens of different states and the amount of controversy
8 exceeds \$75,000.00, excluding interest and costs.

9 37. Venue is proper in the District of Nevada under 28 U.S.C. §1391(b)(2) because it
10 is a substantial part of the events or omissions giving rise to the claims occurred in the State of
11 Nevada and Defendants conduct business within Nevada.

12 **III. PARTIES**

13 **A. Plaintiffs**

14 38. Cody Morris is a resident of this District in the County of Clark, State of Nevada,
15 wherein he sustained the injuries alleged herein.

16 39. Cody regularly used Defendants' Class B foams and turnout gear in training for
17 and extinguishing fires and was thereby exposed to PFAS and PFAS-containing materials
18 contained therein.

19 40. Cody's exposure to PFAS and PFAS-containing materials within Defendants'
20 products caused and/or contributed to his illness and injuries alleged herein.

21 41. Plaintiff Kaylie Morris ("Kaylie") is a resident of this District in the County of
22 Clark, State of Nevada, and is Cody's lawful wife.

23 42. Kaylie brings a derivative claim for loss of consortium related to and arising from
24 her husband's injuries alleged herein.

25 **B. Defendants**

26 43. Defendant 3M Company (a/k/a Minnesota Mining and Manufacturing Company)
27 ("3M") is a Delaware corporation with its principal place of business in St. Paul, Minnesota. 3M
28 does business throughout the United States, including in Nevada. 3M developed, manufactured,

1 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
2 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

3 44. Defendant 3M Chemical Operations LLC is a Delaware corporation with its
4 principal place of business in St. Paul, Minnesota. 3M Chemical Operations LLC developed,
5 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and
6 products containing PFAS in turnouts and/or firefighting foams throughout the United States,
7 including in Nevada.

8 45. Defendant AGC Chemicals Americas, Inc. (“AGC”) is a Delaware corporation
9 with its principal place of business in Exton, Pennsylvania. AGC does business throughout the
10 United States, including in Nevada. AGC developed, manufactured, marketed, distributed,
11 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
12 and/or firefighting foams throughout the United States, including in Nevada.

13 46. Defendant Amerex Corporation (a/k/a Alabama Amerex Corporation) (“Amerex”)
14 is an Alabama corporation with its principal place of business in Trussville, Alabama. Amerex
15 does business throughout the United States, including in Nevada. Amerex developed,
16 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and
17 products containing PFAS in turnouts and/or firefighting foams throughout the United States,
18 including in Nevada.

19 47. Defendant The Ansul Company (“Ansul”) is a Wisconsin corporation with its
20 principal place of business in Marinette, Wisconsin. Ansul does business throughout the United
21 States, including in Nevada. Ansul developed, manufactured, marketed, distributed, released, sold,
22 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
23 foams throughout the United States, including in Nevada.

24 48. Defendant Archroma U.S., Inc. (“Archroma”) is a North Carolina corporation with
25 its principal place of business in Charlotte, North Carolina. Archroma does business throughout
26 the United States, including in Nevada. Archroma developed, manufactured, marketed,
27 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
28 turnouts and/or firefighting foams throughout the United States, including in Nevada.

1 49. Defendant Arkema, Inc. (“Arkema”) is a Pennsylvania corporation with its
2 principal place of business in King of Prussia, Pennsylvania. Arkema does business throughout
3 the United States, including in Nevada. Arkema developed, manufactured, marketed, distributed,
4 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
5 and/or firefighting foams throughout the United States, including in Nevada.

6 50. Defendant Asaki Kasei Plastics America, Inc. (“Asaki Kasei”) is a Delaware
7 corporation with its principal place of business in Plymouth, Michigan. Asaki Kasei does business
8 throughout the United States, including in Nevada. Asaki Kasei developed, manufactured,
9 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
10 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

11 51. Defendant BASF Corporation (“BASF”) is a Delaware corporation with its
12 principal place of business in Florham Park, New Jersey. BASF does business throughout the
13 United States, including in Nevada. BASF developed, manufactured, marketed, distributed,
14 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
15 and/or firefighting foams throughout the United States, including in Nevada.

16 52. Defendant Buckeye Fire Equipment Company (“Buckeye”) is a North Carolina
17 corporation with its principal place of business in Kings Mountain, North Carolina. Buckeye does
18 business throughout the United States, including in Nevada. Buckeye developed, manufactured,
19 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
20 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

21 53. Defendant Carrier Fire & Security Americas, LLC (f/k/a UTC Fire & Security
22 Americas Corporation, Inc.) (“Carrier Fire”) is a Delaware corporation with its principal place of
23 business in Palm Beach Gardens, Florida. Carrier Fire does business throughout the United States,
24 including in Nevada. Carrier Fire developed, manufactured, marketed, distributed, released, sold,
25 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
26 foams throughout the United States, including in Nevada.

27 54. Defendant Carrier Fire & Security Corporation is a Delaware corporation with its
28 principal place of business in Palm Beach Gardens, Florida. Carrier Fire & Security Corporation

1 does business throughout the United States, including in Nevada. Carrier Fire & Security
2 Corporation developed, manufactured, marketed, distributed, released, sold, and/or used PFAS,
3 PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout
4 the United States, including in Nevada.

5 55. Defendant Carrier Global Corporation (“Carrier”) is a Delaware corporation with
6 its principal place of business in Palm Beach Gardens, Florida. Carrier does business throughout
7 the United States, including in Nevada. Carrier developed, manufactured, marketed, distributed,
8 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
9 and/or firefighting foams throughout the United States, including in Nevada.

10 56. Defendant ChemDesign Products, Inc. (“ChemDesign”) is a Texas corporation
11 with its principal place of business in Marinette, Wisconsin. ChemDesign does business
12 throughout the United States, including in Nevada. ChemDesign developed, manufactured,
13 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
14 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

15 57. Defendant Chemguard, Inc. (“Chemguard”) is a Texas corporation with its
16 principal place of business in Marinette, Wisconsin. Chemguard does business throughout the
17 United States, including in Nevada. Chemguard developed, manufactured, marketed, distributed,
18 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
19 and/or firefighting foams throughout the United States, including in Nevada.

20 58. Defendant Chemicals Incorporated is a Texas corporation with its principal place
21 of business in Baytown, Texas. Chemicals Incorporated does business throughout the United
22 States, including in Nevada. Chemicals Incorporated developed, manufactured, marketed,
23 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
24 turnouts and/or firefighting foams throughout the United States, including in Nevada.

25 59. Defendant The Chemours Company (“Chemours”) is a Delaware corporation with
26 its principal place of business in Wilmington, Delaware. Chemours does business throughout the
27 United States, including in Nevada. Chemours developed, manufactured, marketed, distributed,
28

1 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
2 and/or firefighting foams throughout the United States, including in Nevada.

3 60. Defendant Clariant Corporation (“Clariant”) is a New York corporation with its
4 principal place of business in Charlotte, North Carolina. Clariant does business throughout the
5 United States, including in Nevada. Clariant developed, manufactured, marketed, distributed,
6 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
7 and/or firefighting foams throughout the United States, including in Nevada.

8 61. Defendant Corteva, Inc. (“Corteva”) is a Delaware corporation with its principal
9 place of business in Wilmington, Delaware. Corteva does business throughout the United States,
10 including in Nevada. Corteva developed, manufactured, marketed, distributed, released, sold,
11 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
12 foams throughout the United States, including in Nevada.

13 62. Defendant Deepwater Chemicals, Inc. (“Deepwater”) is a Delaware corporation
14 with its principal place of business in Woodward, Oklahoma. Deepwater does business throughout
15 the United States, including in Nevada. Deepwater developed, manufactured, marketed,
16 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
17 turnouts and/or firefighting foams throughout the United States, including in Nevada.

18 63. Defendant DuPont de Nemours Inc. (f/k/a DowDuPont, Inc.) (“DowDuPont”) is a
19 Delaware corporation with its principal place of business in Wilmington, Delaware. DowDuPont
20 does business throughout the United States, including in Nevada. DowDuPont was created in 2015
21 to transfer Chemours and DuPont liabilities for manufacturing and distributing fluorosurfactants to
22 AFFF manufacturers. DowDuPont developed, manufactured, marketed, distributed, released, sold,
23 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
24 foams throughout the United States, including in Nevada.

25 64. Defendant Dynax Corporation (“Dynax”) is a New York corporation with its
26 principal place of business in Pound Ridge, New York. Dynax does business throughout the United
27 States, including in Nevada. Dynax developed, manufactured, marketed, distributed, released,
28

1 sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or
2 firefighting foams throughout the United States, including in Nevada.

3 65. Defendant EIDP, Inc. f/k/a E.I. Du Pont de Nemours & Co. (“DuPont”) is a
4 Delaware corporation with its principal place of business in Wilmington, Delaware. DuPont does
5 business throughout the United States, including in Nevada. DuPont developed, manufactured,
6 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
7 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

8 66. Defendant Fire-Dex, Inc. is an Ohio corporation with its principal place of business
9 in Cleaveland, Ohio. Fire-Dex, Inc. does business throughout the United States, including in
10 Nevada. Fire-Dex, Inc. developed, manufactured, marketed, distributed, released, sold, and/or
11 used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams
12 throughout the United States, including in Nevada.

13 67. Defendant Fire-Dex, LLC is an Ohio corporation with its principal place of
14 business in Medina, Ohio. Fire-Dex, LLC does business throughout the United States, including
15 in Nevada. Fire-Dex, LLC developed, manufactured, marketed, distributed, released, sold, and/or
16 used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams
17 throughout the United States, including in Nevada.

18 68. Defendant Globe Manufacturing Company, LLC (“Globe”) is a New Hampshire
19 corporation with its principal place of business in Pittsfield, New Hampshire. Globe does business
20 throughout the United States, including in Nevada. Globe developed, manufactured, marketed,
21 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
22 turnouts and/or firefighting foams throughout the United States, including in Nevada. Defendant
23 MSA Safety, Incorporated acquired Glob Holding Company, LLC and its subsidiaries
24 (collectively “MSA/Globe”) in 2017 and continues to do business under the Globe name.

25 69. Defendant Honeywell Safety Products USA, Inc. (“Honeywell”) is a Delaware
26 corporation with its principal place of business in Charlotte, North Carolina. Honeywell does
27 business throughout the United States, including in Nevada. Honeywell developed, manufactured,
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1 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
2 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

3 70. Defendant Johnson Controls, Inc. (“Johnson Controls”) is a Delaware corporation
4 with its principal place of business in Milwaukee, Wisconsin. Johnson Controls does business
5 throughout the United States, including in Nevada. Johnson Controls developed, manufactured,
6 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
7 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

8 71. Defendant Johnson Controls Fire Protection Limited Partnership (“Johnson
9 Controls Fire Protection”) is a Delaware corporation with its principal place of business in Boca
10 Raton, Florida. Johnson Controls Fire Protection does business throughout the United States,
11 including in Nevada. Johnson Controls Fire Protection developed, manufactured, marketed,
12 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
13 turnouts and/or firefighting foams throughout the United States, including in Nevada.

14 72. Defendant Kidde-Fenwal, Inc. (“Kidde-Fenwal”) is a Delaware corporation with
15 its principal place of business in Ashland, Massachusetts. Kidde-Fenwal does business throughout
16 the United States, including in Nevada. Kidde-Fenwal is the successor-in-interest to Kidde Fire
17 Fighting, Inc. (f/k/a Chubb National Foam, Inc. f/k/a National Foam System, Inc.) (collectively,
18 “Kidde/Kidde Fire”). Kidde-Fenwal developed, manufactured, marketed, distributed, released,
19 sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or
20 firefighting foams throughout the United States, including in Nevada.

21 73. Defendant Kidde PLC Inc. is a Delaware corporation with its principal place of
22 business in Palm Beach Gardens, Florida. Kidde PLC Inc does business throughout the United
23 States, including in Nevada. Kidde PLC Inc. developed, manufactured, marketed, distributed,
24 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
25 and/or firefighting foams throughout the United States, including in Nevada.

26 74. Defendant Lion Group, Inc. (“LGI”) is an Ohio corporation with its principal place
27 of business in Dayton, Ohio. LGI does business throughout the United States, including in Nevada.
28 LGI developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS

1 materials, and products containing PFAS in turnouts and/or firefighting foams throughout the
2 United States, including in Nevada.

3 75. Defendant Mine Safety Appliances Company, LLC (“Mine Safety Appliances”) is
4 a Pennsylvania corporation with its principal place of business in Cranberry Township,
5 Pennsylvania. Mine Safety Appliances does business throughout the United States, including in
6 Nevada. Mine Safety Appliances developed, manufactured, marketed, distributed, released, sold,
7 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
8 foams throughout the United States, including in Nevada.

9 76. Defendant MSA Safety Incorporated (“MSA”) is a Pennsylvania corporation with
10 its principal place of business in Cranberry Township, Pennsylvania. MSA does business
11 throughout the United States, including in Nevada. MSA developed, manufactured, marketed,
12 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
13 turnouts and/or firefighting foams throughout the United States, including in Nevada.

14 77. Defendant Narcote LLC d/b/a Stedfast USA (“Stedfast”) is a Delaware corporation
15 with its principal place of business in Piney Flats, Tennessee. StedFast does business throughout
16 the United States, including in Nevada. StedFast developed, manufactured, marketed, distributed,
17 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
18 and/or firefighting foams throughout the United States, including in Nevada.

19 78. Defendant National Foam, Inc. (“National Foam”) is a Pennsylvania corporation
20 with its principal place of business in West Chester, Pennsylvania. National Foam does business
21 throughout the United States, including in Nevada. National Foam developed, manufactured,
22 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
23 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

24 79. Defendant Nation Ford Chemical Company (“Nation Ford”) is a South Carolina
25 corporation with its principal place of business in Fort Mill, South Carolina. Nation Ford does
26 business throughout the United States, including in Nevada. Nation Ford MSA developed,
27 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and
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1 products containing PFAS in turnouts and/or firefighting foams throughout the United States,
2 including in Nevada.

3 80. Defendant PBI Performance Products, Inc. (“PBI”) is a Delaware corporation with
4 its principal place of business in Charlotte, North Carolina. PBI does business throughout the
5 United States, including in Nevada. PBI developed, manufactured, marketed, distributed, released,
6 sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or
7 firefighting foams throughout the United States, including in Nevada.

8 81. Defendant Southern Mills, Inc. (d/b/a Ten Cate Protective Fabrics USA)
9 (“Tencate”) is a Georgia corporation with its principal place of business in Senoia, Georgia.
10 Tencate does business throughout the United States, including in Nevada. Tencate developed,
11 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and
12 products containing PFAS in turnouts and/or firefighting foams throughout the United States,
13 including in Nevada.

14 82. Defendant Tyco Fire Products, Limited Partnership (“Tyco”) is a Delaware
15 corporation with its principal place of business in Exeter, New Hampshire. Tyco does business
16 throughout the United States, including in Nevada. Tyco developed, manufactured, marketed,
17 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
18 turnouts and/or firefighting foams throughout the United States, including in Nevada.

19 83. Defendant RTX Corporation f/k/a United Technologies Corporation (“United
20 Technologies”) is a Delaware corporation with its principal place of business in Farmington,
21 Connecticut. United Technologies does business throughout the United States, including in
22 Nevada. United Technologies developed, manufactured, marketed, distributed, released, sold,
23 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
24 foams throughout the United States, including in Nevada.

25 84. Defendant W.L. Gore & Associates, Inc. (“Gore”) is a Delaware corporation with
26 its principal place of business in Newark, Delaware. Gore does business throughout the United
27 States, including in Nevada. Gore developed, manufactured, marketed, distributed, released, sold,
28

1 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
2 foams throughout the United States, including in Nevada.

3 85. The true names and capacities, whether individual, corporate, association or
4 otherwise of Defendants DOES 1 through 20 and ROE CORPORATIONS 1 through 20, inclusive,
5 are unknown to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs
6 are informed and believe, and thereupon allege, that each of the Defendants designated herein as
7 DOES and/or ROES are responsible in some manner for the events and happenings herein referred
8 to, and in some manner caused the injuries and damages proximately thereby to Plaintiffs, as
9 alleged herein; that Plaintiffs will ask leave of this Court to amend this Complaint to insert the true
10 names and capacities of said Defendants, DOES 1 through 20 and/or ROE CORPORATIONS 1
11 through 20, inclusive, when the same have been ascertained by Plaintiffs, together with the
12 appropriate charging allegations, and to join such Defendants in this action.

13 **IV. FACTUAL ALLEGATIONS**

14 **A. Cody's Exposure to PFAS-Containing Products.**

15 86. Cody began his career as an EMT/firefighter with the Henderson Fire Department
16 in 2018.

17 87. As a firefighter/engineer Cody responds to fires, medical emergencies, and rescue
18 calls. To prepare for his essential and challenging work, Cody received extensive training in the
19 preparation and use of Class B foam, and in the use of protective turnout gear.

20 88. Cody was first introduced to Class B foam in 2018 during his training with the
21 Henderson Fire Department.

22 89. Cody worked and trained with Class B foam regularly from 2018 forward. He was
23 exposed to Class B foam on a weekly basis when responding to fires and during various training.

24 90. Cody was also exposed to PFAS from Class B foam while in the fire department,
25 where firefighters were exposed to PFAS in the air, on the ground, and on equipment.

26 91. Cody has also been frequently exposed to PFAS contained in the fabric of his
27 required turnout gear.
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92. In April of 2021, after approximately three years of service with the Henderson Fire Department, Cody was diagnosed with thyroid cancer.

93. Cody's exposure to PFAS contained in Defendants' Class B foam and turnout gear was a substantial factor, and the proximate cause, of his cancer and related injuries.

94. As a result of his thyroid cancer diagnosis, Cody was required to undergo surgery to remove his right thyroid and will be required to take Thyroid medication for the rest of his life.

95. Additionally, although the thyroid surgery was successful, his treating physicians were unable to successfully regulate his medication dosage for more than two years after the surgery. As a result, Cody has suffered from extreme lethargy and low energy which adversely affects both his professional and personal life.

96. Cody's ongoing symptoms, caused by Defendants, has also adversely affected his marital relationship. Low libido is an unfortunate side effect of Cody's cancer treatment, which he has been forced to seek medical care for. As a 30 year old male, Cody's ongoing health issues have taken both a physical and emotional toll on him. Cody had not experienced any of these ongoing conditions at any time prior to his cancer diagnosis and treatment. They were each directly and proximately caused by his exposure to PFAS in Defendants' Class B foam and turnout gear.

97. The adverse effects of Codys' thyroid cancer and treatment have significantly altered almost every aspect of his daily life.

B. Defendants' History of Manufacturing and Selling Toxic Products

i. Defendants History of Manufacturing and Selling Toxic Firefighting Foam

98. 3M developed AFFF, a Class B firefighting foam, in the 1960s. 3M manufactured, marketed, and sold Class B firefighting foam from the 1960s to the early 2000s.

99. National Foam and Tyco/Ansul manufactured, marketed, and sold Class B firefighting foam beginning in the 1970s.

100. Chemguard and Dynax manufactured, marketed, and sold Class B firefighting foam beginning in the 1990s.

101. Buckeye manufactured, marketed, and sold Class B firefighting foam beginning in the 2000s.

102. In 2000, 3M announced it would phase out its production of Class B foam; however, 3M did not recall its Class B foam which it knew was being stockpiled and used by firehouses throughout the country.

103. Defendants, including 3M, knew their customers warehoused large stockpiles of Class B foam. Even after Defendants fully understood the toxicity of PFAS, and the risks to human health resulting from exposure, Defendants concealed those facts from consumers and never informed their customers that Class B foam was unsafe or that it contained PFAS, and/or PFAS precursors.

104. Even after Defendants fully understood the toxicity of PFAS, and the risks to human health resulting from exposure, Defendants continued to publicly claim that these products were safe. Further, Defendants concealed and/or suppressed information regarding the potential harms associated with PFAS, and proliferated industry funded research to support their claims that the products were safe.

ii. Defendants' History of Manufacturing and Selling Toxic Turnout Gear

105. MSA/Globe began manufacturing, marketing, and selling turnout gear with DuPont's PFAS-containing flame resistant fabric in 1966 and continues to manufacture, market and sell turnout gear using PFAS-containing fabrics supplied by DuPont, Gore, Tencate, and PBI.

106. Lion began manufacturing, marketing, and selling turnout gear in 1970, and continues to manufacture, market and sell turnout gear using PFAS-containing fabrics, including material supplied by Defendants DuPont and Gore.

107. In 2015, DuPont spun-off its PFAS chemicals business to Defendant Chemours.

108. Honeywell began manufacturing and selling turnout gear in 2008. One of the leading manufacturers of turnouts, Honeywell manufactures, markets and sells turnout gear using PFAS-containing fabrics, supplied by Defendants DuPont, Gore, PBI and StedFast.

C. Defendants Knowingly Misrepresented the Safety of Their Products and Failed to Warn Plaintiff of the Dangers Associated with Exposure to PFAS.

109. Despite knowing the toxic nature of PFAS, and the significant ongoing risk to human health caused by exposure to these substances, Defendants did not notify or warn firefighters or the public that their turnouts and Class B foam contained PFAS, or that exposure to PFAS could result in serious health risks.

110. The packaging on Defendants' Class B foam containers contained no warnings that the foam contained PFAS or that harmful human exposure could occur when handled and used as intended.

111. The PFAS containing turnouts manufactured, marketed, distributed and/or sold by Defendants, and used by Cody during his firefighting career, contained no warnings that the turnouts contained PFAS or that exposure to PFAS and PFAS containing materials could occur, resulting in serious harm to human health, when the turnouts were handled and used as intended.

112. Defendants' Material Safety Data Sheets did not warn about PFAS or PFAS exposure and falsely stated that the materials within Class B foams were not known carcinogens.

113. Defendants' failure to warn about the hazards of exposure to PFAS, or turnouts and Class B foams made with or containing PFAS continue to this day.

114. Further, to this day, Defendants continue to make false claims and material misrepresentations concerning the hazards of exposure to PFAS or products made with or containing PFAS.

115. For example, in 2019, Defendant MSA/Globe issued a public statement suggesting that its turnout gear was safe for use as intended because it supposedly met or exceeded all applicable industry standards.

116. Similarly, in 2019, Defendant Lion issued a public statement suggesting that its turnout gear was safe for use as intended when properly maintained. Lion's statement indicated that it does not use two specifically identified PFAS chemicals in its turnout gear; however, Lion failed to note that other PFAS chemicals were still present in the gear.

1 117. Defendants have all individually, either directly or through intermediaries, issued
2 statements misrepresenting the safety of their PFAS containing products.

3 118. Defendants, through their acts and omissions, controlled and influenced the
4 information that was made publicly available regarding the health and safety concerns of human
5 exposure to PFAS and PFAS-containing materials to minimize or discount those concerns.

6 119. At all times relevant to this Complaint, Defendants, through their acts and
7 omissions, concealed or withheld information from consumers, governmental agencies, and the
8 public which, if made known, would have provided notice to firefighters, including Cody, of the
9 risks of exposure to PFAS and the links between exposure and adverse health effects.

10 120. As a result of Defendants' false claims, misrepresentations, and omissions, Cody
11 did not know, and could not have known in the exercise of reasonable diligence, that he was
12 exposed to PFAS and/or PFAS-containing materials through the use of Defendants' turnouts and
13 Class B foams, causing serious illness as alleged herein.

14 **V. STATUTES OF LIMITATIONS ARE TOLLED**

15 121. Plaintiffs incorporate by reference all prior paragraphs of this complaint as though
16 fully set forth herein.

17 122. Cody has diligently pursued and investigated the claims alleged in this Complaint.
18 Through no fault of his own Cody did not learn, and could not have learned, the factual bases for
19 his claims or the injuries suffered therefrom until recently. Consequently, the following tolling
20 doctrines apply.

21 **A. Discovery Rule**

22 123. Cody could not have discovered through the exercise of reasonable diligence that
23 Defendants' conduct, as alleged in this Complaint, would result in the harms alleged within the
24 time for all applicable statutes of limitations.

25 124. Among other things, Cody could not have known or appreciated the toxicity,
26 persistence, and bioaccumulation of PFAS and PFAS-containing materials contained in Class B
27 foam and turnout gear.

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1 125. Defendants had superior and/or exclusive knowledge of the toxicity, persistence,
2 and bioaccumulation of PFAS and PFAS-containing materials, knowledge which they kept from
3 the public for decades.

4 126. Defendants knew, or should have known, that use of PFAS and PFAS-containing
5 materials, including Class B foam and turnout gear, was linked to increased risk of serious illness,
6 including cancer, and that this information was material to firefighters such as Cody.

7 127. Nevertheless, Defendants intentionally concealed this information from fire
8 departments, governmental oversight and enforcement agencies, and firefighters, including Cody.

9 128. Defendants knowingly misrepresented to firefighters, including Cody, that PFAS,
10 PFAS-containing turnouts, and Class B foam were safe and non-toxic.

11 129. Indeed, Defendants have repeatedly asserted that there is no basis to question the
12 safety of their equipment because it meets industry required standards. However, Defendants
13 failed to disclose that they worked to establish those industry standards based on incomplete and/or
14 inaccurate information.

15 130. As a result, Cody could not have reasonably discovered that his body had
16 accumulated toxic PFAS in his blood from his use of PFAS-containing materials in Class B foam
17 and/or turnouts, or that those PFAS were a substantial cause of his cancer, within the time of all
18 applicable statutes of limitation.

19 131. The causes of action alleged herein did not accrue until Cody discovered the toxic
20 bioaccumulation associated with his use of Defendants' PFAS and/or PFAS-containing materials
21 in Class B foam and/or turnouts.

22 132. For these reasons, the discovery rule tolls all applicable statutes of limitations.

23 **B. Equitable Estoppel**

24 133. Defendants are equitably estopped from relying upon a statute of limitations
25 defense because they undertook efforts to purposefully conceal the fact that their products were
26 unsafe and/or continuously denied and concealed information linking those products to the injuries
27 alleged by Cody.

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1 134. Defendants have continuously misrepresented the safety of PFAS and PFAS-
2 containing materials. To this day, Defendants continue to make knowingly false assertions that
3 their PFAS-containing products, including Class B foam and turnouts, are safe and non-toxic.

4 135. Considering the harm that Defendants knew would result from exposure to PFAS
5 and PFAS-containing materials, Defendants were under a continuous duty to disclose the true
6 character, quality, and nature of those materials. Based upon the foregoing, Defendants are
7 estopped from relying on any statutes of limitation in defense of this action.

8 **C. Intentional Concealment**

9 136. Alternatively, Plaintiffs' claims are subject to equitable tolling, stemming from
10 Defendants' knowingly and intentionally concealing the facts alleged herein. Defendants knew of
11 the hazardous nature of PFAS and PFAS-containing materials, had material information pertinent
12 to the discovery of those hazards, and concealed them from Plaintiffs and the public. As a result
13 of Defendants' conduct, Cody did not know, and could not have known through the exercise of
14 reasonable diligence, of his causes of action.

15 137. Defendants undertook to purposefully conceal their tortious conduct by
16 manipulating and distorting public information, knowledge, and facts; failing to make public or
17 otherwise produce nonpublic information, over which Defendants had exclusive possession,
18 dominion, and control, which would have revealed the truth; and by deliberately and intentionally
19 concealing the truth.

20 138. Defendants had in their possession and control information that PFAS and PFAS-
21 containing materials, including their Class B foam and turnout products, were toxic and
22 carcinogenic.

23 139. Defendants were aware of the falsity of their misrepresentations.

24 140. Defendants intended that their false statements and omissions be relied upon.

25 141. Defendants cannot claim prejudice due to a late filing because this suit was filed
26 upon discovering the facts essential to the Plaintiffs' claims.

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FIRST CAUSE OF ACTION

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1 therefore, Defendants' actions in manufacturing, marketing, distributing, and/or selling the
2 products were unreasonably dangerous.

3 150. Defendants did not include adequate warning to users, which made their PFAS-
4 containing Class B foams and turnouts unsafe for their intended use. The defects in Defendants'
5 products cause toxic PFAS to be released and accumulated in the bodies of users exposed to the
6 products.

7 151. Defendants failed to warn the public and consumers of the defect or the dangers in
8 the foreseeable use of their Class B foams and/or turnouts.

9 152. Defendants' PFAS-containing Class B foams and turnouts were defective when
10 they left Defendants' possession, before being introduced into the stream of commerce by
11 Defendants.

12 153. Defendants' inherently dangerous product features are not necessary to consumers.
13 Defendants could have designed, manufactured, supplied and/or distributed alternative designs or
14 formulations that were safer and that did not contain PFAS. The benefits of changing Defendants'
15 Class B foams and turnouts to make them safer for use are high and outweigh the costs.

16 154. Defendants' PFAS-containing foams and turnouts presented a substantial and
17 unreasonable risk of serious injury to consumers. The dangers associated with Defendants' use of
18 PFAS in their Class B foams and turnouts outweigh the benefits of its use.

19 155. As a direct and proximate cause of Defendants' defective Class B foams and
20 turnouts, Kaylie has been deprived of the right to a continued relationship and the right to enjoy
21 Cody's continued love, comfort, companionship and society, all of which are damages recoverable
22 by Kaylie in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

23 156. As a direct and proximate cause of Defendants' defective Class B foams and
24 turnouts, Cody suffered severe personal injuries including pain and suffering and emotional
25 distress, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five
26 Thousand Dollars (\$75,000.00).

27 157. As a direct and proximate cause of Defendants' defective Class B foams and
28 turnouts, Cody is entitled to recover damages for the pain, suffering, anxiety, disability, emotional



1 distress, physical injuries and medical treatment, both past and future, all of which are damages
2 recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 158. As a direct and proximate cause of Defendants' defective Class B foams and
4 turnouts, Cody suffered a loss of enjoyment of life, all of which are damages recoverable by Cody
5 in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

6 159. As a direct and proximate cause of Defendants' defective Class B foams and
7 turnouts, Cody now has limited occupational and recreational capacity, which has caused and will
8 continue to cause a loss of wages and loss of future earning capacity, which are damages
9 recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

10 160. Defendants' conduct demonstrated a conscious disregard of known accepted
11 procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct
12 could or would cause serious injury or death to consumers and/or users of their products.

13 161. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
14 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
15 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

16 162. As a direct and Proximate result of Defendants' conduct, Plaintiffs are entitled to
17 punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

18 163. Plaintiffs have been forced to retain the services of an attorney to represent them in
19 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

20 **SECOND CAUSE OF ACTION**

21 **Strict Products Liability - Failure to Warn/Inadequate Warning**

22 164. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
23 as though the same were fully set forth herein.

24 165. At all times mentioned herein, Defendants, their predecessors-in-interest and/or
25 their alter-egos and/or entities they have acquired, were engaged in the business of designing,
26 developing, manufacturing, marketing, promoting, distributing, and/or selling PFAS-containing
27 Class B foams and/or turnouts.

1 166. At all times mentioned herein, Defendants provided their PFAS-containing Class
2 B foams and/or turnouts to consumers with no adequate warnings with regard to the risk that the
3 foreseeable use of their PFAS-containing products would result in the contamination and
4 bioaccumulation of the user's body.

5 167. At all times mentioned herein, Defendants did not adequately warn firefighters or
6 other users of the potential adverse health effects which could occur as a result of PFAS exposure
7 resulting from the foreseeable use of their PFAS-containing products.

8 168. At the time that Cody used Defendants' PFAS-containing Class B foams and
9 turnouts, there were no adequate warnings that would reasonably catch his attention with regard
10 to the risks of harm described herein.

11 169. At the time that Cody used Defendants' PFAS-containing Class B foams and
12 turnouts, there were no adequate warnings in a comprehensible language so as to give a fair
13 indication of the risks of the use of those products.

14 170. At the time that Cody used Defendants' PFAS-containing Class B foams and
15 turnouts, there were no adequate warnings of sufficient intensity justified by the magnitude of the
16 risk of their use.

17 171. Defendants knew that consumers would use their PFAS-containing Class B foams
18 and turnouts in the same manner as Cody did.

19 172. As a direct and proximate cause of Defendants' failure to warn of the risks of the
20 use of their PFAS-containing Class B foams and turnouts, Cody suffered severe personal injuries
21 including pain and suffering and emotional distress, all of which are damages recoverable by Cody
22 in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

23 173. As a direct and proximate cause of Defendants' failure to warn of the risks of the
24 use of their PFAS-containing Class B foams and turnouts, Kaylie has been deprived of the right to
25 a continued relationship and the right to enjoy Cody's continued love, comfort, companionship
26 and society, all of which are damages recoverable by Kaylie in an amount in excess of Seventy-
27 Five Thousand Dollars (\$75,000.00).

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174. As a direct and proximate cause of the conduct of Defendants, Cody is entitled to recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries and medical treatment, both past and future, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

175. As a direct and proximate cause of the conduct of Defendants, Cody suffered a loss of enjoyment of life, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

176. As a direct and proximate cause of the conduct of Defendants, Cody now has limited occupational and recreational capacity, which has caused and will continue to cause a loss of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

177. Defendants' conduct demonstrated a conscious disregard of known accepted procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct could or would cause serious injury or death to consumers and/or users of their products.

178. Defendants' actions were conducted in an oppressive, malicious, despicable, gross and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

179. As a direct and Proximate result of Defendants' conduct, Plaintiffs are entitled to punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

180. Plaintiffs have been forced to retain the services of an attorney to represent them in this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

THIRD CAUSE OF ACTION

Negligent Product Liability - Unreasonably Dangerous Product

181. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint, as though the same were fully set forth herein.

182. Defendants owed a duty to Cody to exercise reasonable care in the manufacture, design, and/or sale of their Class B foams and/or turnouts to ensure that they were safe for their reasonably foreseeable use.

1 183. Defendants negligently manufactured, designed, assembled, packaged, and/or
2 distributed their Class B foams and/or turnouts such that they were dangerous and unsafe for their
3 intended use and/or reasonably foreseeable use.

4 184. Defendants' Class B foams and/or turnouts were more dangerous than would be
5 contemplated by the ordinary consumer and/or ordinary user having the ordinary knowledge
6 available in the Las Vegas community.

7 185. It was technologically and economically feasible for Defendants to design safer
8 firefighting foams and turnouts.

9 186. Fluorochemical-free and PFAS-free firefighting foams are technologically and
10 economically feasible.

11 187. Numerous companies manufacture, distribute, market and/or sell fluorine-free
12 firefighting foams that have been shown to be effective alternatives to PFAS-containing Class B
13 foams.

14 188. Safe fluorine-free turnout gear is also technologically and economically feasible.

15 189. The economic and technological feasibility of fluorine-free foams and turnout gear
16 is based on technology that has been available for years.

17 190. The alternative designs detailed above are far safer for firefighters and eliminate
18 the serious health risks that result from PFAS exposure.

19 191. The use of these alternate designs would have prevented or reduced the harm
20 sustained by Cody resulting from the use of Defendants' PFAS-containing foams and turnouts.

21 192. Defendants failed to exercise the amount of care in the design, manufacture,
22 distribution, and/or sale of their Class B foams and/or turnouts, that a reasonably careful
23 manufacturer, designer, and/or seller would have used in similar circumstances to avoid exposing
24 consumers and/or users to a foreseeable risk of harm.

25 193. As a direct and proximate cause of Defendants' negligence, Cody suffered severe
26 personal injuries including pain and suffering and emotional distress, all of which are damages
27 recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

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1 194. As a direct and proximate cause of Defendants' negligence, Kaylie has been
2 deprived of the right to a continued relationship and the right to enjoy Cody's continued love,
3 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
4 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

5 195. As a direct and proximate cause of the conduct of Defendants', Cody is entitled to
6 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
7 and medical treatment, both past and future, all of which are damages recoverable by Cody in an
8 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

9 196. As a direct and proximate cause of the conduct of Defendants, Cody suffered a loss
10 of enjoyment of life, all of which are damages recoverable by Cody in an amount in excess of
11 Seventy-Five Thousand Dollars (\$75,000.00).

12 197. As a direct and proximate cause of the conduct of Defendants, Cody now has
13 limited occupational and recreational capacity, which has caused and will continue to cause a loss
14 of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount
15 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

16 198. Defendants' conduct demonstrated a conscious disregard of known accepted
17 procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct
18 could or would cause serious injury or death to consumers and/or users of their Class B foams and
19 turnouts.

20 199. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
21 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
22 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

23 200. As a direct and Proximate result of Defendants' conduct, Plaintiffs are entitled to
24 punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

25 201. Plaintiffs have been forced to retain the services of an attorney to represent them in
26 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

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FOURTH CAUSE OF ACTION

Negligent Product Liability - Failure to Include an Adequate Warning

202. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint, as though the same were fully set forth herein.

203. Defendants owed a duty to Cody to exercise reasonable care in the warning of the use of their Class B foams and turnouts, and to ensure that those products were safe for their reasonably foreseeable use.

204. Defendants' negligently manufactured, designed, packaged, and/or distributed their Class B foams and turnouts such that they contained no adequate warnings of the potential dangers inherent with their use, and as such, were dangerous and unsafe.

205. Defendants failed to provide sufficient warning to purchasers and end users that their Class B foams and turnouts could cause PFAS to be released, resulting in exposure and bioaccumulation of toxic chemicals in the human body.

206. Defendants' Class B foams and turnouts failed to perform in a manner reasonably to be expected in light of their nature and intended function and were more dangerous than would be contemplated by the ordinary consumer and/or ordinary user having the ordinary knowledge available in the Las Vegas community.

207. Defendants failed to exercise the amount of care in the design, development, manufacture, instruction, marketing, promotion, distribution, and selling of their Class B foams and turnouts that a reasonably careful company would have used in similar circumstances to avoid exposing consumers and/or users to a foreseeable risk of harm.

208. Cody was a foreseeable user of Defendants' Class B foams and turnouts, and used the products in a foreseeable manner.

209. Defendants knew, or should have known, that their Class B foams and turnouts can be dangerous and harmful when used in a reasonably foreseeable manner.

210. A reasonable company in Defendants' position would have warned its users about the safety risks associated with the use of foams and turnouts containing PFAS.

1 211. Defendants breached their duty by failing to provide adequate warnings to Cody,
2 as set forth above.

3 212. As a direct and proximate cause of Defendants' negligence, Cody suffered severe
4 personal injuries including pain and suffering and emotional distress, all of which are damages
5 recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

6 213. As a direct and proximate cause of Defendants' negligence, Kaylie has been
7 deprived of the right to a continued relationship and the right to enjoy Cody's continued love,
8 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
9 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

10 214. As a direct and proximate cause of the conduct of Defendants, Cody is entitled to
11 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
12 and medical treatment, both past and future, all of which are damages recoverable by Cody in an
13 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

14 215. As a direct and proximate cause of the conduct of Defendants, Cody suffered a loss
15 of enjoyment of life, all of which are damages recoverable by Cody in an amount in excess of
16 Seventy-Five Thousand Dollars (\$75,000.00).

17 216. As a direct and proximate cause of the conduct of Defendants, Cody now has
18 limited occupational and recreational capacity, which has caused and will continue to cause a loss
19 of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount
20 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

21 217. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
22 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
23 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

24 218. Plaintiffs have been forced to retain the services of an attorney to represent them in
25 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

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FIFTH CAUSE OF ACTION

Negligent Distribution and Marketing

219. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint, as though the same were fully set forth herein.

220. At all times mentioned herein, Defendants owed a duty to Cody to manufacture, market, package and/or distribute their Class B foams and/or turnouts with adequate directions and adequate warnings.

221. As a result of Defendants' negligent manufacturing, marketing, packaging, and/or distributing, Defendants breached their duty to Cody, by failing to warn and protect him from foreseeable harm, resulting in Cody's injuries and damages as alleged herein.

222. As a direct and proximate cause of Defendants' negligence, Cody suffered severe personal injuries including pain and suffering and emotional distress, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

223. As a direct and proximate cause of Defendants' negligence, Kaylie has been deprived of the right to a continued relationship and the right to enjoy Cody's continued love, comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

224. As a direct and proximate cause of the conduct of Defendants, Cody is entitled to recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries and medical treatment, both past and future, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

225. As a direct and proximate cause of the conduct of Defendants, Cody suffered a loss of enjoyment of life, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

226. As a direct and proximate cause of the conduct of Defendants, Cody now has limited occupational and recreational capacity, which has caused and will continue to cause a loss of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

228. Plaintiffs have been forced to retain the services of an attorney to represent them in this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

Breach of the Implied Warranty of Fitness for a Particular Purpose

230. At all times relevant herein, Defendants were engaged in designing, developing, manufacturing, marketing, promoting, distributing, and/or selling PFAS-containing Class B foams and/or turnouts.

232. Cody reasonably relied upon the skill and judgment of Defendants as to whether Defendants' PFAS-containing Class B foams and turnouts were safe and fit for their intended use and purpose.

233. Contrary to such implied warranty, Defendants' PFAS-containing Class B foams and turnouts were not safe or fit for their intended use or purpose, and were unreasonably dangerous and unfit for use by firefighters and the general public.

234. Cody was exposed to PFAS by using Defendants' PFAS-containing Class B foams and turnouts in the course of his firefighting activities, without knowledge of the products' dangerous and hazardous properties.

235. As a direct and proximate cause of Defendants' conduct, Cody suffered severe personal injuries including pain and suffering and emotional distress, all of which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).



1 236. As a direct and proximate cause of the conduct of Defendants, Cody is entitled to
2 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
3 and medical treatment, both past and future, all of which are damages recoverable by Cody in an
4 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

5 237. As a direct and proximate cause of the conduct of Defendants, Cody suffered a loss
6 of enjoyment of life, all of which are damages recoverable by Cody in an amount in excess of
7 Seventy-Five Thousand Dollars (\$75,000.00).

8 238. As a direct and proximate cause of the conduct of Defendants, Cody now has
9 limited occupational and recreational capacity, which has caused and will continue to cause a loss
10 of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount
11 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

12 239. Defendants' conduct demonstrated a conscious disregard of known accepted
13 procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct
14 could or would cause serious injury or death to consumers and/or users of their PFAS-containing
15 products.

16 240. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
17 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
18 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

19 241. Plaintiffs have been forced to retain the services of an attorney to represent them in
20 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

21 **SEVENTH CAUSE OF ACTION**

22 **Negligence**

23 242. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
24 as though the same were fully set forth herein.

25 243. Defendants owed a duty to Plaintiffs to exercise reasonable care in the design,
26 development, manufacture, instruction, marketing, promotion, distribution, and selling of their
27 Class B foams and turnouts, so as not to create an unreasonable risk of harm from use by the public
28 and firefighters, including Cody.

1 244. At all times relevant, Defendants knew, or should have known, that their Class B
2 foams and turnouts posed an unreasonable risk of harm to firefighters and the public.

3 245. At all times relevant, Defendants knew, or should have known, that firefighters and
4 other users of their Class B foams and turnouts would not realize the potential risks and dangers
5 of using those products.

6 246. Defendants failed to exercise the amount of care in the design, development,
7 manufacture, instruction, marketing, promotion, distribution, and selling of their Class B foams
8 and turnouts that a reasonably careful company would have used in similar circumstances to avoid
9 exposing consumers and/or users to a foreseeable risk of harm.

10 247. The manner and extent of Cody's use of Defendants' turnouts and Class B foams
11 was reasonably foreseeable and/or facilitated and encouraged by Defendants.

12 248. Defendants knew, or should have known, that their Class B foams and turnouts can
13 be dangerous and harmful when used in a reasonably foreseeable manner.

14 249. Defendants breached their duties of care through their actions, or failures to act, in
15 the design, development, manufacture, instruction, marketing, promotion, distribution, and selling
16 of their Class B foams and turnouts.

17 250. Defendants breached their duties by engaging in the acts described in this
18 complaint.

19 251. As a direct and proximate cause of Defendants' negligence, Cody suffered severe
20 personal injuries including pain and suffering and emotional distress, all of which are damages
21 recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

22 252. As a direct and proximate cause of Defendants' negligence, Kaylie has been
23 deprived of the right to a continued relationship and the right to enjoy Cody's continued love,
24 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
25 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

26 253. As a direct and proximate cause of the conduct of Defendants, Cody is entitled to
27 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
28

1 and medical treatment, both past and future, all of which are damages recoverable by Cody in an
2 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 254. As a direct and proximate cause of the conduct of Defendants, Cody suffered a loss
4 of enjoyment of life, all of which are damages recoverable by Cody in an amount in excess of
5 Seventy-Five Thousand Dollars (\$75,000.00).

6 255. As a direct and proximate cause of the conduct of Defendants, Cody now has
7 limited occupational and recreational capacity, which has caused and will continue to cause a loss
8 of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount
9 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

10 256. Due to the systematic and repetitive nature of Defendants' violations, Defendants
11 breached their duties in an oppressive, malicious, despicable, gross and wantonly negligent
12 manner. This conduct reveals Defendants' conscious disregard for Plaintiffs' rights and thereby
13 entitles Plaintiffs to recover punitive damages.

14 257. Plaintiffs have been forced to retain the services of an attorney to represent them in
15 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

16 **EIGHTH CAUSE OF ACTION**

17 **Misrepresentation**

18 258. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
19 as though the same were fully set forth herein.

20 259. A party who suppresses or omits a material fact which the party is bound in good
21 faith to disclose makes an indirect representation that such fact does not exist. *Nelson v. Heer*, 123
22 Nev. 217, 163 P.3d 420 (Nev. 2007) (quoting *Midwest Supply, Inc. v. Waters*, 89 Nev. 210, 212-
23 13, 510 P.2d 876, 878 (1973).

24 260. Defendants made false and misleading representations and/or omitted material
25 facts regarding the risk to user safety associated with the risks of their PFAS-containing Class B
26 foams and/or turnouts, which they were obligated in good faith to disclose.

27 261. Defendants misrepresented and downplayed risks that were known to them
28 regarding the health hazards associated with Class B foams, PFAS, and PFAS-containing

1 materials, and the harms associated with human exposure resulting from their intended and/or
2 common use.

3 262. Defendants knew, or in the exercise of reasonable care should have known, that the
4 misleading representations and/or omissions were false and/or without a sufficient basis for
5 making.

6 263. Defendants intended to induce consumers and firefighters such as Cody to act on
7 the false and misleading representations or material omissions.

8 264. Cody justifiably relied on Defendants' false representations and/or omissions.

9 265. Cody sustained actual and consequential damages, which he is entitled to recover,
10 as a result of his reliance on Defendants' false representations or omissions.

11 266. As a direct and proximate cause of Defendants' false representations or omissions,
12 Cody suffered severe personal injuries including pain and suffering and emotional distress, all of
13 which are damages recoverable by Cody in an amount in excess of Seventy-Five Thousand Dollars
14 (\$75,000.00).

15 267. As a direct and proximate cause of Defendants' false representations or omissions,
16 Kaylie has been deprived of the right to a continued relationship and the right to enjoy Cody's
17 continued love, comfort, companionship and society, all of which are damages recoverable by
18 Kaylie in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

19 268. As a direct and proximate cause of Defendants' false representations or omissions,
20 Cody is entitled to recover damages for the pain, suffering, anxiety, disability, emotional distress,
21 physical injuries and medical treatment, both past and future, all of which are damages recoverable
22 by Cody in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

23 269. As a direct and proximate cause of Defendants' false representations or omissions,
24 Cody suffered a loss of enjoyment of life, all of which are damages recoverable by Cody in an
25 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

26 270. As a direct and proximate cause of the conduct of Defendants, Cody now has
27 limited occupational and recreational capacity, which has caused and will continue to cause a loss
28

1 of wages and loss of future earning capacity, which are damages recoverable by Cody in an amount
2 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 271. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
4 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
5 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

6 272. Plaintiffs have been forced to retain the services of an attorney to represent them in
7 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

8 **NINTH CAUSE OF ACTION**

9 **Loss of Consortium (Kaylie Morris)**

10 273. Plaintiffs incorporate all other paragraphs of the Complaint as if those paragraphs
11 were fully incorporated herein.

12 274. Plaintiff Kaylie Morris brings a loss of consortium claim under Nevada law, arising
13 from her husband Cody's injuries as alleged herein.

14 275. Kaylie and Cody enjoyed a valid and lawful marriage in Nevada at the time of the
15 Subject Incident.

16 276. Kaylie's husband Cody suffered tortious injury as described herein.

17 277. Due to Cody's injuries, caused by Defendants, Kaylie has suffered a permanent
18 loss of consortium, disruption, and harm in her marriage, including but not limited to loss of her
19 injured husband's companionship, conjugal relationship, sexual relationship, emotional support,
20 and marital harmony.

21 278. Due to Cody's injuries, caused by Defendants, Kaylie and Cody experience
22 emotional distress, worrying, and anxiousness concerning Cody's unknown health status, all of
23 which has adversely affected their marital harmony.

24 279. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
25 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
26 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

280. As a direct and proximate result of the actions and conduct of the Defendants injuring her husband Cody, Kaylie is entitled to damages for loss of consortium in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs the following relief:

1. General damages in an amount in excess of \$75,000.00;
2. Compensatory damages in an amount in excess of \$75,000.00;
3. Special damages in an amount in excess of \$75,000.00;
4. Medical and incidental expenses incurred and to be incurred;
5. Punitive damages in an amount to be determined at trial;
6. Damages for lost earnings and diminished earning capacity and other economic damages in an amount to be determined at trial.
7. Damages for past and future pain, suffering, mental anguish, and loss of enjoyment of life;
8. Damages for a loss of past and future household services;
9. For pre- and post-judgment interest as provided by law;
10. Costs of suit, reasonable attorney fees, interest incurred herein;
11. Equitable and injunctive relieve to ensure that Defendants refrain from continuing to harm others; and

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12. Any such other and further relief as is just and proper.

Dated this 17th day of July 2024.

By: /s/ Robert M. Adams
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Nevada Bar No. 3402
ROBERT M. ADAMS, ESQ.
Nevada Bar No. 6551
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DEMAND FOR JURY TRIAL

Plaintiffs, by and through their attorneys of record, hereby demand a jury trial of all of the issues in the above matter.

DATED this 17th day of July 2024.

By: /s/ Robert M. Adams

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